

LINK:

UNITED STATES DISTRICT COURT  
CENTRAL DISTRICT OF CALIFORNIA

CIVIL MINUTES – GENERAL

Case No.	<b>CV 15-04853-BRO (FFMx)</b>	Date	November 12, 2015
Title	<b>MORTGAGE ELECTRONIC REGISTRATION SYSTEMS INC ET AL V. TIMOTHY J. JOHNSTON</b>		

Present: The Honorable **BEVERLY REID O’CONNELL, United States District Judge**

Renee A. Fisher

Not Present

N/A

Deputy Clerk

Court Reporter

Tape No.

Attorneys Present for Plaintiffs:

Attorneys Present for Defendants:

Not Present

Not Present

**Proceedings:** (IN CHAMBERS)

**ORDER TO SHOW CAUSE RE: FAILURE TO OPPOSE**

Pending before the Court are two motions: (1) Defendant Timothy Johnston’s Motion to Dismiss Plaintiffs Mortgage Electronic Registration Systems, Inc. (“MERS”), MERSCORP Holdings, Inc., and The Bank of New York Mellon f/k/a The Bank of New York as Trustee for Structured Asset Mortgage Investments II Trust 2006-AR8, Mortgage Pass-Through Certificates, Series 2006-AR8’s (“BNYM”) (collectively, “Plaintiffs”) First Amended Complaint, (Dkt. No. 28); and, (2) Plaintiffs’ Motion to Amend by Interlineation, (Dkt. No. 30). Both motions are currently set for hearing on November 23, 2015 at 1:30 p.m. (*See* Dkt. No. 31.)

Under the Central District’s Local Rules, a party must oppose a motion at least twenty-one (21) days prior to the scheduled hearing date. *See* C.D. Cal. L.R. 7-9. Accordingly, Defendant’s opposition to Plaintiffs’ Motion to Amend by Interlineation, if any, was due no later than November 2, 2015. To date, Defendant has filed no opposition; instead, Defendant filed a Reply in support of his Motion to Dismiss Plaintiffs’ First Amended Complaint. (*See* Dkt. No. 32.) Pursuant to Local Rule 7-12, the failure to file an opposition “may be deemed consent to the granting . . . of the motion.” *See* C.D. Cal. L.R. 7-12.

Accordingly, Defendant is **ORDERED TO SHOW CAUSE** as to why the Court should not grant Plaintiffs’ Motion to Amend by Interlineation. **Both (1) Defendant’s response to this Order and (2) Defendant’s opposition to the Motion to Amend by Interlineation, if any,<sup>1</sup> shall be filed by no later than Monday, November 16, 2015, at**

<sup>1</sup> Defendant may instead choose to file a Notice of Non-Opposition.

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**4:00 p.m.** An appropriate response will include reasons demonstrating good cause for Defendant's failure to timely oppose. Defendant's failure to file an opposition by this deadline may result in the granting of Plaintiffs' Motion.

**IT IS SO ORDERED.**

Initials of  
Preparer

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rf